

HOUSE BILL 650

L5, P2

3lr0509

By: **Montgomery County Delegation and Prince George's County Delegation**

Introduced and read first time: February 1, 2013

Assigned to: Economic Matters and Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2013

CHAPTER _____

1 AN ACT concerning

2 **Washington Suburban Sanitary Commission – Prevailing Wage**

3 **MC/PG 112–13**

4 FOR the purpose of applying certain provisions relating to prevailing wage rates for
5 public work contracts to certain contracts entered into by the Washington
6 Suburban Sanitary Commission under certain circumstances; altering a certain
7 definition; and generally relating to the prevailing wages for public work
8 contracts entered into by the Washington Suburban Sanitary Commission.

9 BY repealing and reenacting, without amendments,
10 Article – State Finance and Procurement
11 Section 17–201(a) and (j) and 17–202
12 Annotated Code of Maryland
13 (2009 Replacement Volume and 2012 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – State Finance and Procurement
16 Section 17–201(i) ~~and 17–202~~
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2012 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **Article – State Finance and Procurement**

2 17–201.

3 (a) In this subtitle, unless the context indicates otherwise, the following
4 words have the meanings indicated.

5 (i) (1) “Public body” means:

6 (i) the State;

7 (ii) except as provided in paragraph (2)(i) of this subsection, a
8 unit of the State government or instrumentality of the State;9 (iii) any political subdivision, agency, person, or entity with
10 respect to the construction of any public work for which 50% or more of the money
11 used for construction is State money; **[and]**12 (iv) notwithstanding paragraph (2)(ii) of this subsection, a
13 political subdivision if its governing body:14 1. provides by ordinance or resolution that the political
15 subdivision is covered by this subtitle; and16 2. gives written notice of that ordinance or resolution to
17 the Commissioner; **AND**18 **(V) THE WASHINGTON SUBURBAN SANITARY COMMISSION.**

19 (2) “Public body” does not include:

20 (i) **EXCEPT AS PROVIDED IN PARAGRAPH (1)(V) OF THIS**
21 **SUBSECTION**, a unit of the State government or instrumentality of the State funded
22 wholly from a source other than the State; or23 (ii) any political subdivision, agency, person, or entity with
24 respect to the construction of any public work for which less than 50% of the money
25 used for construction is State money.26 (j) (1) Subject to paragraph (2) of this subsection, “public work” means a
27 structure or work, including a bridge, building, ditch, road, alley, waterwork, or
28 sewage disposal plant, that:

29 (i) is constructed for public use or benefit; or

30 (ii) is paid for wholly or partly by public money.

1 (2) “Public work” does not include, unless let to contract, a structure or
2 work whose construction is performed by a public service company under order of the
3 Public Service Commission or other public authority regardless of:

4 (i) public supervision or direction; or

5 (ii) payment wholly or partly from public money.

6 17–202.

7 (a) This subtitle does not limit:

8 (1) the hours of work an employee may work in a particular period of
9 time; or

10 (2) the right of a contractor to pay an employee under a public work
11 contract more than the prevailing wage rate.

12 (b) ~~(1)~~ This subtitle does not apply to:

13 ~~{(1)} (1)~~ a public work contract of less than \$500,000, ~~EXCEPT AS~~
14 ~~PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION~~; or

15 ~~{(2)} (2)~~ the part of a public work contract for which the federal
16 government provides money if, as to that part, the contractor is required to pay the
17 prevailing wage rate as determined by the United States Secretary of Labor.

18 ~~(2) THIS SUBTITLE APPLIES TO ANY PUBLIC WORK CONTRACT~~
19 ~~ENTERED INTO BY THE WASHINGTON SUBURBAN SANITARY COMMISSION OF AT~~
20 ~~LEAST \$2,000 FOR WHICH THE STATE OR THE FEDERAL GOVERNMENT~~
21 ~~PROVIDES ANY FUNDING.~~

22 (c) If this subtitle and the federal Davis–Bacon Act apply and the federal act
23 is suspended, the Governor may declare this subtitle suspended for the same period
24 for:

25 (1) the part of that public work contract for which the United States
26 Secretary of Labor would have been required to make a determination of a prevailing
27 wage rate; or

28 (2) that entire public work contract.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2013.